

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MALLET AND COMPANY INC.,)	
)	
Plaintiff,)	Civil Action No. 19-1409
)	
v.)	Judge Cathy Bissoon
)	
ADA LACAYO, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Mallet’s Motion (Doc. 187) to dismiss the Bundy parties’ Amended Counterclaims (Doc. 179) will be denied without prejudice.

While Bundy’s claims – to this neutral arbiter – evoke perceptions of makeweight claims and litigation strategy, Mallet has not persuaded Court that they fail under the relatively lenient standards applicable at the 12(b) stage. Given the significant issues placed before the Court, in relation to discovery and beyond, the undersigned does not believe that a surgical parsing of Bundy’s counterclaims, at the present time, is a good use of judicial resources, especially in light of the hundreds of other litigants having serious matters before the Court.

In short, Mallet has not convinced the Court that any or all of Bundy’s counterclaims fail to state plausible claims for relief. Mallet’s statute of limitations arguments, in particular, are more appropriately handled at the summary judgment stage, given that their resolution likely will require a consideration of information not discernable from the face of the pleadings. Likewise, Mallet’s various other arguments are better suited for summary judgment, where facts uncovered through discovery will provide a fuller picture.

Consistent with the foregoing, Mallet's Motion (**Doc. 187**) to dismiss the current counterclaims is **DENIED**, without prejudice to renewal, as appropriate, on summary judgment.

IT IS SO ORDERED.

February 14, 2023

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record

William Chick Bowers (email address: chica965@yahoo.com)